Reg. No. K. III.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 [No. 336

GOVERNMENT OF KERALA

Local Administration & Social Welfare (C) Department

NOTIFICATION

G.O. (MS) No. 79|74|LA&SWD. *Dated, Trivandrum 30th March 1974.*

S. R. O. No. 230|74.—In exercise of the powers conferred under sub-section (1) of section 132 of the Kerala Municipalities Act, 1960 (Act 14 of 1961), the Government of Kerala hereby direct the Mavelikara Municipal Council to levy lighting tax at the rate of 5% with effect from 1-4-1974.

By order of the Governor,

U. MAHABALA RAO,
Secretary to Government.

Explanatory Note

It has been brought to the notice of Government that the receipt from lighting tax, which is being levied at the rate of 2% by the Municipal Council, Mavelikara is very meagre when compared to the expenditure on lighting and that it has become an imperative necessity to increase the lighting tax levied by the Council to meet the increased expenditure. Government consider that the lighting tax levied by the Municipal Council, Mavelikara should be enhanced to 5% with effect from 1-4-1974. The notification is intended to achieve the above purpose.

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1974

Reg. No. K. 102.

KERALA GAZETTE

EXTRAORDINARY

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Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 [No. 338

GOVERNMENT OF KERALA

Industries (G) Department

NOTIFICATION

No. 8062/C3/74/ID. *Dated, Trivandrum, 29th March* 1974.

In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf the Government of Kerala hereby make the following amendments to the Kerala Minor Mineral Concession Rules 1967 namely:—

This amendment shall come into force on and with effect from 1-4-1974.

AMENDMENTS

In the said Rules—

1. In Rule 8—(i) in clause (c) the words "and for a renewal of the permit under any circumstance;" shall be omitted;

(ii) in clause (e) the following proviso shall be added, namely:—

"Provided further that if the competent authority is satisfied that the renewal of a quarrying permit already granted and lapsed is absolutely necessary and inevitable he may renew the same for a further period of one year at a time, subject to the conditions and rules applicable to grant of quarrying permits and in that case the fees for the renewal of the quarrying permit shall be the same as that of fee applicable to quarrying permit";

2. In rule 9, in clause (1) the second sentence namely, "Also no quarrying permit shall be granted over any land within two years of the date of expiry of a previous quarrying permit", shall be omitted.

By order of the Governor,
K. NARAYANAN,
Special Secretary to Government.

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33/1239/MG

Government of Kerala
1974

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KERALA GAZETTE

EXTRAORDINARY

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Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 [No. 339

Kerala State Electricity Board

ERRATUM NOTIFICATION

B.O. No. TR. II-9498/72. *Dated, Trivandrum, 29th March 1974.*

The following correction in the notification No. B. O. No. TR. II-9498/72 dated 27th March 1974 published in the Kerala Gazette Extraordinary dated 29th March 1974, is published for general information.

In the proviso to tariff I (a) after the words "within three weeks from the date of" delete the words "the coming into force of this tariff" and insert the words "this notification".

By order of the Board,
T. R. Sukumaran Nair,
Secretary.

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33/1240/MC

Government of Kerala
1974

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KERALA GAZETTE
EXTRAORDINARY
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GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

G. O. (Ms) No. 50/74/TD. *Dated, Trivandrum 30th March, 1974.*

S. R. O. No. 231/74. In exercise of the powers conferred by sub-section (2) of section 1 of the Agricultural Income Tax (Amendment) Act, 1974 (9 of 1973), the Government of Kerala hereby appoint the 1st day of April, 1974 as the date on which the said Act shall come into force.

By order of the Governor,
V. Venkitanarayanan,
Secretary to Government.

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33/1241/MG

Government of Kerala
1974

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 (Saka) [No. 341

NOTIFICATION

No. 2262/LA4/74.

30th March 1974.

The Kerala Plantations (Restriction on Alienation) Bill together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Secretariat of the Kerala Legislature,
Trivandrum.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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TRIVANDRUM, 1974.

33/1248/B.

Fourth Kerala Legislative Assembly

Bill No. 183

THE KERALA PLANTATIONS (RESTRICTION ON ALIENATION) BILL, 1974

A

BILL

to impose restrictions on alienation of plantations in the State of Kerala and for matters incidental thereto.

Preamble.—WHEREAS the question of nationalisation of plantations in the State of Kerala is under the consideration of the Government;

AND WHEREAS owners of plantations are indiscriminately alienating the plantations owned by them;

AND WHEREAS it is considered that such alienations will defeat the object of nationalisation of plantations;

AND WHEREAS in many cases alienation of parts of plantations will have the effect of making the Plantations Labour Act, 1951, inapplicable either to the part transferred or to the part retained;

AND WHEREAS it is necessary to restrict alienation of plantations pending nationalisation thereof;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title, extent, commencement, duration and application.*—(1) This Act may be called the Kerala Plantations (Restriction on Alienation) Act, 1974.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once and shall cease to have effect on the 1st day of January, 1976.

(4) It applies to any plantation which admeasures 5.06 hectares or more.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "alienation" means sale, mortgage, lease, exchange, gift or partition;

(b) "owner", in relation to a plantation, includes a mortgagee, lessee or other person having the right of possession and enjoyment of the plantation;

(c) "plantation" means any land used by a person principally for the cultivation of tea, coffee, cocoa, rubber, cardamom or cinnamon (hereinafter in this clause referred to as 'plantation crops') and includes—

(i) land used by the said person for any purpose ancillary to the cultivation of plantation crops or for the preparation of the same for the market;

(ii) agricultural lands interspersed within the boundaries of the area cultivated by the said person with plantation crops, not exceeding such extent as may be determined by the Government as necessary for the protection and efficient management of such cultivation.

Explanation.—Lands used for the construction of office buildings, godowns, factories, quarters for workmen, hospitals, schools and playgrounds shall be deemed to be lands used for the purposes of sub-clause (i).

(d) "prescribed" means prescribed by rules made under this Act.

3. *Restriction on alienation of plantations.*—(1) No owner of a plantation to which this Act applies shall, without the sanction of the Government, alienate the whole or any part of that plantation.

(2) Any alienation made in contravention of sub section (1) shall be null and void.

4. *Application for sanction.*—(1) An application to the Government for sanction under sub section (1) of section 3 shall be in such form and shall contain such particulars as may be prescribed.

(2) As soon as may be after the receipt of an application referred to in sub-section (1), the Government may make such inquiries as they deem fit and, after giving the applicant an opportunity of being heard, by order, either grant sanction or reject the application.

(3) An order passed by the Government under sub section (2) shall be final and shall not be called in question in any court.

5. *Penalties.*—Whoever contravenes the provisions of sub section (1) of section 3 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

6. *Sanction for prosecution.*—No prosecution shall be instituted against any person under section 5 without the previous sanction of the Government or such officer or authority as may be authorised by the Government by order in writing in this behalf.

7. *Certain alienations to be null and void.*—Notwithstanding anything contained in any law for the time being in force, or in any contract, any alienation of a plantation admeasuring 5.06 hectares or more or part of such a

plantation, effected on or after the date of publication of the Kerala Plantations (Restriction on Alienation) Bill, 1974, in the Gazette, and before the commencement of this Act, shall be deemed to be an alienation calculated to defeat the provisions of this Act and shall be null and void.

8. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Of late there has been a tendency to parcel out plantations into small plots and sell them. The plantations thereby go out of the purview of the Plantations Labour Act, 1951 and the labourers stand to lose. The labourers of such plantations have been repeatedly clamouring against fragmentation and sale of plantations. It is considered that this growing tendency on the part of plantation owners should be checked.

2. The question of nationalisation of plantations is under the consideration of the Government. The owners of plantations are also indiscriminately alienating the plantations owned by them in order to defeat the object of nationalisation. Government are convinced that nationalisation of plantations will not have the desired effect unless such alienations are restricted.

3. It is therefore proposed to restrict the alienation of plantations pending nationalisation thereof. The Bill seeks to achieve this object.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 (c) of the Bill seeks to define 'plantation' as to include agricultural lands interspersed within the boundaries of the area cultivated with plantation crops, not exceeding such extent as may be determined by the Government as necessary for the protection and efficient management of such cultivation. Sub-clause (1) of clause 4 seeks to provide that an application to the Government for sanction shall be in such form and shall contain such particulars as may be prescribed. According to clause 6, no prosecution shall be instituted against any person without the previous sanction of the Government, or such officer or authority as may be authorised by the Government by order in writing in this behalf. Clause 8 seeks to empower the Government to make rules for carrying out the purposes of the legislation.

2. The above are matters of detail or of an administrative nature. The delegation of legislative power is thus of a normal character.

VAKKOM PURUSHOTHAMAN

Government of Kerala
1974

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

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Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 (Saka) [No. 342

NOTIFICATION

No. 2272/LA4 A/74. *30th March 1974.*

The Kerala General Sales Tax (Second Amendment) Bill, 1974 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Secretariat of the Kerala Legislature,
Trivandrum.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/1250/B..

Fourth Kerala Legislative Assembly
Bill No. 189

THE KERALA GENERAL SALES TAX (SECOND AMENDMENT) BILL, 1974

A

BILL

further to amend the Kerala General Sales Tax Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala General Sales Tax Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala General Sales Tax (Second Amendment) Act, 1974.

(2) It shall come into force on the 1st day of April, 1974.

2. *Amendment of Section 5.*—In section 5 of the Kerala General Sales Tax Act, 1963 (15 of 1963),—

(i) in sub section (1),—

(a) in clause (ii), for the words "three and a half per cent", the words "four per cent" shall be substituted;

(b) the proviso shall be omitted;

(ii) in sub section (4), for the words "three and a half per cent", the words "four per cent" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Finance Minister, in his Budget Speech on the 15th March, 1974, announced among other things that the rate of general sales tax would be increased from $3\frac{1}{2}$ per cent to 4 per cent. The Bill seeks to give effect to the above proposal.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

DR. K. G. ADIYODI.

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Government of Kerala
1974

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 [No. 33

GOVERNMENT OF KERALA

Taxes (A) Department

NOTIFICATION

No. G. O. Rt. 181/74/TD. *Dated, Trivandrum, 29th March 1974*

S. R. O. No. 229/74.—In exercise of the powers conferred by sections 10, 18, 24 and 29 of the Abkari Act, 1 of 1077, the Government of Kerala hereby make the following amendments to the Foreign Liquor Rules issued under Notification No. SR4-1859/52/RD dated the 17th January, 1953 and published in the Travancore-Cochin Gazette Extraordinary No. 2 dated the 17th January, 1953 as subsequently amended, namely:—

AMENDMENTS

In the said Rules,—

1. in rule 13,—

(i) in sub-rule (3),—

(a) after the second sentence in the first paragraph the following shall be inserted, namely:—

"But hotels (restaurant) having no living facilities situated within the limits of municipal corporations, may also be granted licences, if the Excise Commissioner is satisfied that there is need for the grant of licences to such hotels (restaurants) for attracting tourists";

(b) after the last paragraph and before the proviso, the following shall be inserted, namely:—

"The licence under this rule shall be subject to the condition that licensee shall procure his supplies of foreign liquor only from the Foreign Liquor (Wholesale) Shops in the State";

(ii) in sub-rule (4), the following sentence shall be added at the end, namely:—

"The licence under this rule shall be subject to the condition that the licensee shall procure his supplies of foreign liquor only from the Foreign Liquor (Wholesale) shops in the State.".

2. for rule 34, the following rule shall be substituted, namely:—

"34. Infraction of any of these rules or conditions of a licence issued under these rules either by a licensee or by a person in his employment shall entail on the licensee or his agent or both—

(i) a fine not exceeding Rs. 2000, or

(ii) cancellation of the licence, or

(iii) both

Officers not below the rank of the Assistant Excise Commissioner shall be competent to impose the above penalties".

3. In condition 32 of from F. L. 1,

(i) In clause (i) sub-clause (a) for the letters, figures and words "Rs. 500 (Rupees five hundred only)" the letters, figures and words "Rs. 2000 (Rupees two thousand only)" shall be substituted;

(ii) for clause (ii) the following clause shall be substituted, namely:—

"(ii) Officers not below the rank of Assistant Excise Commissioner shall be competent to impose penalties.".

4. in Form F. L. 3, after condition 1, the following condition shall be added, namely:—

"1A. The licensee shall procure his supplies of foreign liquor only from the Foreign Liquor (Wholesale) shops in the State.".

5. in Form F. L. 4, after condition 1, the following condition shall be added, namely:—

"1A. The licensee shall purchase his supplies of foreign liquor only from the Foreign Liquor (Wholesale) shops in the State."

This notification shall come into force on and with effect from 1st April, 1974.

By order of the Governor,

V. VENKITANARAYANAN,

Secretary.

Explanatory Note

(This is not part of the amendment but is intended to indicates its purport)

Government have decided that bar licences may be granted to hotels having no living facilities situated within the limits of Municipal corporations, and that it should be insisted that Hotels and Clubs having licences to sell liquor should get their requirements of foreign liquor from Foreign Liquor whole sale shops only and that the penal provisions in the Foreign Liquor Rules should be in confirmity with those in the rules for auction of liquor shops. The amendments are intended to achieve the above objects.

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1974

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Vol. XIX] Trivandrum, Saturday, 30th March 1974 / 9th Chaithra 1896 [No. 337

NOTIFICATION

UNDER SECTION 13 OF THE KERALA SURVEY AND BOUNDARIES ACT, 1961

Ref. E. 1473/73. *22nd March 1974.*

It is hereby notified under section 13 of the Kerala Survey and Boundaries Act, 1961 (Act 37 of 1961) that the survey of the undermentioned areas is now complete.

Unless the survey hereby notified is modified by a decree of a Civil Court under the provisions of section 14 of the said Act, the records of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

Particulars of the area

District—Palghat. Taluk—Alathur

Village—Ayakkad.

Sl. No.	*Field Nos. Completed*	*Sl. No.*	*Field Nos. Completed*
1	146/6	3	146/11
2	146/27	4	146/29

P. S. VENKITACHALAM,
Special Tahsildar, L.A. (NH), Palghat.

Palghat.

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33/1237/MC.